IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 320 of 2002 (M/B)

Babu S/o Sri Barkat Taulla,
R/o Line No. 16 Azad Nagar,
Haldwani, District Nainital. …… Petitioner.

Versus

1. State of Uttaranchal,
through Secretary, Nagar Vikas Vibhag,
Uttaranchal Shasan, Dehradun.
2. Commissioner,
Kumaon Division, Nainital.
3. District Magistrate, Nainital.
4. Nagar Palika Parishad,
Haldwani cum Kathgodam,
Through its Executive Officer.

……. Respondents

Mr. Alok Mehra, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Alok Mehra, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondent Nos.1 to 3.

None for respondent No. 4.

They are heard.

2. Petitioner Babu filed this writ petition in the year 2002 for the following reliefs:

> "A. Issue a writ, order or direction in the nature of Mandamus commanding the Respondents No. 4 to open the existing slaughter house meant for sheep/goat at Rajpura (Haldwani) after making suitable arrangements for maintaining sanitary conditions in and around the slaughter house.
>
> B. To issue a writ order or direction in the nature of mandamus commanding the Respondent No. 1 to provide necessary funds for construction of a new slaughter house at a suitable place in Haldwani.
>
> C. To issue a writ order or direction in the nature of mandamus commanding the Respondent No.4 to erect a temporary structure which may be used for slaughtering sheep/goat if it is felt that it is not possible/

desirable to open up the existing slaughter house at Rajpura.

D. To issue and other suitable writ order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

D. To award the cost of the writ petition in favour of the Petitioner.

3. The leaned Standing Counsel on behalf of respondents Nos. 1 to 3, on the instructions received from these respondents, informed us that the construction of slaughter house at Haldwani has already been completed during the pendency of the writ petition and it has become functional.

4. In this view of the matter, the writ petition has become infructuous. The petitioner, however, shall be at liberty to file another writ petition, if he has any surviving grievances.

5. The writ petition, therefore, is dismissed as infructuous.

(Prafulla, C. Pant, J.)
26.04.2006

(Rajeev Gupta, C.J.)
26.04.2006

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